

LATHAM & WATKINS LLP

ORIGINAL

September 2, 2005

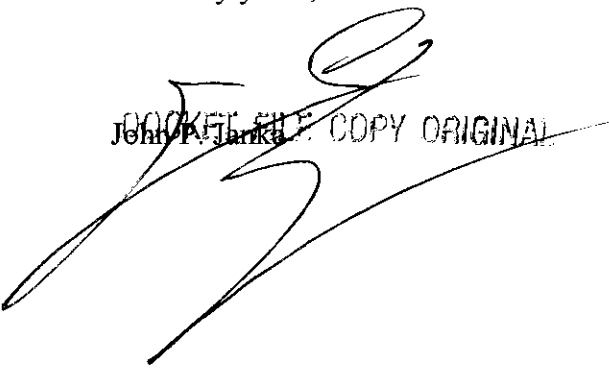
Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, N.W.
Washington, DC 20554

Re: Notice of Ex Parte Presentation
IB Docket Nos. 05-220 and 05-221

Dear Ms. Dortch:

Yesterday, on behalf of Inmarsat, I sent the enclosed e-mail to John Giusti of
Commissioner Copps' office and had a brief conversation with him on that subject matter.

Sincerely yours,


DOCKET FILE COPY ORIGINAL
John P. Janka

cc: John Giusti

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: (202) 637-2200 Fax: (202) 637-2201
www.lw.com

EX PARTE OR LATE FIL

FIRM / AFFILIATE OFFICES

Boston	New York
Brussels	Northern Virginia
Chicago	Orange County
Frankfurt	Paris
Hamburg	San Diego
Hong Kong	San Francisco
London	Shanghai
Los Angeles	Silicon Valley
Milan	Singapore
Moscow	Tokyo
New Jersey	Washington, D.C.

RECEIVED

SEP - 2 2005

Federal Communications Commission
Office of Secretary

No. of Copies rec'd 042
List A B C D E

Janka, John (DC)

To: john.giusti@fcc.gov
Subject: 2 GHz

John:

When Inmarsat met with you on August 17, you asked us to consider how licensing of additional MSS systems at 2 GHz might be conducted. I enclose a copy of a 2 GHz MSS licensing proposal that we presented to IB last week to address that issue. Inmarsat would be pleased to discuss this further with you at your convenience.

Regards,

John

John P. Janka

LATHAM & WATKINS LLP
555 Eleventh Street, NW
Suite 1000
Washington, DC 20004-1304
Direct Dial: (202) 637-2289
Fax: (202) 637-2201
Email: john.janka@lw.com
www.lw.com



Licensing
proposal.pdf (66 KB).

2 GHz MSS Licensing Proposal

Basic Policy Goal:

Facilitate the role of MSS in the wireless broadband revolution and maximize chances for meaningful broadband MSS competition in the returned 2 x 12 MHz at 2 GHz

Procedural Solution:

First, issue a further 2 GHz Public Notice expeditiously seeking comment on:

- minimum bandwidth appropriate for a broadband 2 GHz MSS system, using spectrum-efficient segments (e.g., multiples of 1 or 1.25 MHz)
- desirable number of initial 2 GHz MSS competitors (e.g., 4 or 5)
- performance requirements that facilitate broadband goals, e.g.:
 - overall system throughput
 - data rates supported

Second, resolve policy issues raised in the Public Notice and open a processing round soliciting 2 GHz MSS system applications for the returned 2 x 12 MHz consistent with those policy determinations

Third, use the following modified licensing approach *only if* applications filed in the processing round yield more applicants than the 2 x 12 MHz supports:

- Approval of application provides the chance to be one of the first to deploy an MSS system satisfying 2 GHz MSS broadband requirements
- Require an appropriate bond to secure performance within a specified period (allowing entities to withdraw before posting if they do not like the then-known competition)
- Impose milestones to (i) ensure that applicants actually move forward in a timely fashion and (ii) provide other competitors visibility into construction and an opportunity to withdraw if they deem themselves too far behind
- Allow two or more applicants to combine efforts into deploying a single system, to increase chances of successfully deploying in time
- Award spectrum to the first few entities to *successfully deploy*, until spectrum is fully subscribed
- Require demonstration of compliance with minimum technical and other criteria after launch and before actual award of right to operate in spectrum
- Existing 2 GHz licensees could
 - compete for additional spectrum under new approach (if they satisfy new requirements as to additional spectrum, and also continue to satisfy existing license terms); or
 - surrender current licenses and pursue systems entirely under the new approach

Public Interest Benefits:

- Spectrum is assigned to entities who actually implement when they implement (avoids warehousing)
- Marketplace separates winners from losers, rather than FCC making that determination
- Eliminates use of regulatory gamesmanship to retain spectrum reservation
 - no award of right to operate in the spectrum until one actually deploys
- Bases spectrum award on actual performance, rather than promises
- Spectrum not assigned in segments (e.g., 6.67 MHz) that would be partially unutilized when employing carriers based on multiples of 1 or 1.25 MHz